

## **WorldCom Comments On Rule Specificity – October 9, 2001**

In the September 26, 2001 workshop regarding wholesale service performance measures and remedies, participants were asked to provide comments by October 9, 2001 on the degree of specificity that should be included in rules that the Commission may adopt. As a starting point for discussion, Staff provided a sample of an existing performance measure and business rule for Ameritech's "Mean Time To Restore" and for Verizon's "Trouble Duration Intervals."

It appears as though the Commission has several options available to it. First, the Commission can include as much specificity as possible with respect to the measures it deems necessary. Under this scenario, the rule would codify each performance measure and associated business rule with the same specificity that is contained in the sample performance measure and business rules that Staff circulated. While this approach would provide necessary specificity, as a practical matter it may be unwieldy. For example, Ameritech's Performance Appraisal Plan ("PAP") as it is currently constituted contains some 205 pages of performance measures and business rules. Any attempt to codify those measures into a single code part could prove administratively difficult and logistically problematic.

Second, can adopt a slimmed down rule that would set forth the parameters of what a Commission-approved PAP must cover, but leave it to individual companies to conform to the rule. For example, a rule could specify the minimum list of Unbundled Network Elements ("UNEs") and services for which performance measures would have to be developed and approved. The rule could indicate that to the extent that carriers have existing Commission-approved measures in place that address some or all of those UNEs and services, those measures would be deemed in compliance or in partial compliance with the rule.

To the extent such carriers do not have Commission-approved PAPs in place that address the Rule's minimum requirements, the Rule would mandate those PAPs be amended to cover any UNEs or services not already covered. So, for example, if the Commission determines that the minimum list of UNEs and services for which certain carriers must have measures includes special access and Digital Subscriber Line ("DSL") wholesale products, and those are not currently covered by Ameritech's or Verizon's PAPs, those carriers would have to put in-place Commission approved appendices to their existing PAPs to cover those UNEs and services. Thus, for carriers such as Ameritech and Verizon, they would have PAPs that would likely be at mostly in compliance with the Rule, but would need relatively few additional measures to bring them into full conformance with the Commission's Rules. This approach has the advantage of allowing the rule itself to remain streamlined and allow for differences in measures for different carriers, but requiring PAPs to be Commission-approved.

WorldCom does not at this time commit to supporting one approach or the other. These options are offered for the purposes of discussion.